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Summary of Selected Victim Related Legislation Which Passed in 2001

HB924 Refusal of blood or breath test

An Act to amend and reenact §§ 18.2-268.3, 18.2-268.10, 46.2-341.26:3 and 46.2-341.26:10 of the Code of Virginia, relating to driving while intoxicated; refusal of tests as evidence.

[Patron - Watts, Vivian E.](#)

Summary:

Allows a finding of unreasonable refusal to permit a blood or breath sample to be taken to be admissible in a criminal trial for the sole purpose of explaining the absence of a chemical test. The arresting officer and magistrate are required to inform the person arrested of the possibility that such a finding could be admissible as evidence. Removes the provision that the trial date for unreasonable refusal must be after the trial for driving under the influence.

HB1581 Adult protective services; reports of exploitation by financial institution employees

An Act to amend and reenact § 63.1-55.3 of the Code of Virginia, relating to adult protective services; reporting exploitation.

[Patron - Hamilton, Phillip A.](#)

Summary:

Permits employees of banks, savings institutions, securities firms, insurance companies, and credit unions to report the suspected exploitation of incapacitated persons. Exploitation is defined at 63.1-55.2 as the illegal use of an incapacitated adult or his resources for another's profit or advantage. The reports may be filed with the local department of social services for the city or county where the adult resides or the exploitation is believed to have occurred.

HB1661 Insurance; discrimination against victims of domestic violence

An Act to amend and reenact § 38.2-508 of the Code of Virginia, relating to health insurance; discrimination against victims of domestic violence.

[Patron - Watts, Vivian E.](#)

Summary:

Prohibits life and health insurers from discriminating against victims of domestic violence, which is defined as the occurrence of specified acts by a current or former family member, household member, person against whom the victim obtained a protective order or caretaker. The provision does not prohibit an insurer or insurance professional from asking about a medical condition even if the medical information is related to a medical condition that such person knows resulted from domestic violence to the extent otherwise permitted.

HB1710 Civil action for stalking

An Act to amend the Code of Virginia by adding a section numbered 8.01-42.3, relating to civil action for stalking.

[Patron - Deeds, R. Creigh](#)

Summary:

Provides that a person may maintain a civil action against an individual who is alleged to have engaged in conduct that is prohibited under § 18.2-60.3 (criminal stalking), whether or not the individual has been charged or convicted for the alleged violation, for the compensatory damages incurred by the victim as a result of that conduct and the costs of bringing the action. If compensatory damages are awarded, a victim may also be awarded punitive damages. An action cannot be commenced more than two years after the most recent prohibited conduct.

HB1717 Adult protective services; training

An Act to amend and reenact § 63.1-55.02 of the Code of Virginia, relating to adult protective services.

[Patron - Hamilton, Phillip A.](#)

Summary:

Requires the Department of Social Services to establish, and the State Board to approve by September 15, 2001, minimum standards for training for all adult protective services workers. The uniform training programs shall require all adult protective services workers to complete such training within one year from the date of implementation of the training program or within the first year of their employment. This bill is identical to SB 1199 and SB 827.

HB1756 Filing of claims

An Act to amend and reenact §§ 19.2-368.5 and 19.2-368.7 of the Code of Virginia, relating to filing of claims.

[Patron - McDonnell, Robert F.](#)

Summary:

Allows the deadline for filing of claims by victims of crimes to be delayed by the Workers' Compensation Commission for good cause shown. Currently, such claims must generally be filed within one year after the occurrence of the crime.

HB1837 Certain attempted sexual offenses

An Act to amend and reenact §§ 16.1-272, 17.1-805, 18.2-67.3, 18.2-67.4, 18.2-67.5:1, 19.2-11.01, 19.2-298.1, 19.2-299, 46.2-323 and 63.1-198.3 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 18.2-67.5:4, and to repeal § 18.2-67.5 of the Code of Virginia, relating to certain attempted sexual offenses.

[Patron - Howell, William J.](#)

Summary:

Repeals § 18.2-67.5, which criminalizes and penalizes several attempted sexual offenses. These attempted sexual offenses are already prosecuted under the general attempt statutes and the substantive sexual offense statutes. This bill does not make any substantive changes to the law. The bill is recommended by the Virginia Bar Association (VBA). After the 2000 Session of the General Assembly, the chairmen of the Courts of Justice Committee requested the VBA to study the repeal of

this section, with the assistance of the Commonwealth's Attorneys Services Council and the Virginia College of Criminal Defense Attorneys.

HB1890 Preliminary protective orders in cases of family abuse and stalking

An Act to amend and reenact §§ 16.1-253.1 and 19.2-152.9 of the Code of Virginia, relating to preliminary protective orders in cases of family abuse and stalking.

[Patron - Griffith, H. Morgan](#)

Summary:

Provides that, upon motion of the respondent and for good cause shown, the court may continue the hearing for a determination on the issuance of a permanent protective order. Current law requires that the hearing be held within 15 days of the issuance of the preliminary order and provides no opportunity for a continuance. The bill does not allow the petitioner to request a continuance.

HB1982 Children's health insurance; child support domestic violence exception

An Act to amend and reenact § 32.1-351 of the Code of Virginia, relating to the Family Access to Medical Insurance Security Plan.

[Patron - Watts, Vivian E.](#)

Summary:

Requires the Children's Medical Security Insurance Program (renamed the Family Access to Medical Insurance Security Plan) to include a provision for the request for the cooperation of the custodial parent with the state in securing child support payments. However, the granting of such cooperation shall not be a condition of eligibility. The bill has an expiration date of July 1, 2003.

HB2014 Testimony by child victims or witnesses

An Act to amend and reenact §§ 18.2-67.9 and 19.2-11.01 of the Code of Virginia, relating to testimony by child victims or witnesses.

[Patron - Watts, Vivian E.](#)

Summary:

The enrolled bill adds murder of a person of any age to the list of offenses in which child witnesses may be allowed to testify via closed circuit television (CCTV).

Currently, the statute only applies to child victims and child witnesses of certain crimes committed against children pertaining to kidnapping, criminal sexual assault or certain family offenses. Consequently, under current law, for example, an eight year old child who witnesses the murder of a parent cannot testify via CCTV because 1) murder is not an included offense and, even if it were, 2) since the offense was not committed “against a child,” such testimony is not allowed.

HB2101 Court costs and fines

An Act to amend and reenact §§ 19.2-258.1, 19.2-349, 19.2-354, 46.2-395 and 46.2-416 of the Code of Virginia, relating to court costs and fines.

[Patron - Watts, Vivian E.](#)

Summary:

Increases the number of days from 10 to 15 during which a person has to pay fines or costs or enter into an installment agreement before various consequences set in (collection activity, one-time account management fee, suspension of motor vehicle license). This bill is a recommendation of the Committee on District Courts.

HB2112 Stalking; changes in proof and definitions

An Act to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to definition and penalty for stalking

[Patron - Suit, Terrie L.](#)

Summary:

Changes the proof of knowledge of the defendant in a stalking case from actual knowledge to a standard requiring that the defendant know or reasonably should know that his stalking conduct places another person in reasonable fear of death, criminal sexual assault, or bodily injury.

HB2189 Tolling or suspension of statutes of limitation

An Act to amend and reenact § 8.01-229 of the Code of Virginia, relating to suspension or tolling of statute of limitations.

[Patron - Watts, Vivian E.](#)

Summary:

Allows for the statute of limitations in a civil suit to be tolled during a criminal prosecution that arises out of the same incident. Generally, the civil action may be brought within one year after final disposition but no more than ten years after the crime or two years after accrual under 8.01-249. This bill is identical to SB 1122 (Edwards).

HB2204 Release on bond

An Act to amend and reenact § 19.2-123 of the Code of Virginia, relating to release of accused on bond.

[Patron - Almand, James F.](#)

Summary:

Clarifies that the conditions of release in subsection A apply to misdemeanors as well as felonies. House Bill 1533 (2000) added the first two sentences of subsection A providing that certain persons arrested for a felony could be released only on secure bond. The felony language added in 2000 created confusion as to whether the conditions of release still applied to misdemeanors. This bill is a recommendation of the Committee on District Courts.

HB2352 Victim participation in plea agreements

An Act to amend and reenact § 19.2-11.01 of the Code of Virginia, relating to crime victim and witness rights

[Patron - McEachin, A. Donald](#)

Summary:

Provides that upon written request of the victim in a felony case, the attorney for the Commonwealth must consult with the victim either verbally or in writing to inform the victim of the contents of a proposed plea agreement and obtain the victim's views concerning plea negotiations. The court is not allowed to accept a plea agreement unless it finds that the Commonwealth has, except for good cause shown, complied with the bill's provisions. The bill also provides that, upon written request, the victim is to be notified of any proceeding in which the plea agreement will be tendered to the court. There is a provision stating that the duty to consult the victim does not limit the ability of the attorney for the Commonwealth to exercise his discretion concerning the handling of any criminal charge. Additionally, the responsibility to consult with the victim does not confer upon the defendant any substantive or procedural rights and may not affect the validity of any plea entered by the defendant. This bill is identical to SB 1356 (Mims).

HB2372 Number of witnesses whose depositions may be taken

An Act to amend the Code of Virginia by adding in Article 9 of Chapter 14 of Title 8.01 a section numbered 8.01-420.6, relating to number of witnesses whose depositions may be taken.

[Patron - Joannou, Johnny S.](#)

Summary:

Provides that notwithstanding any provision of law or rule of court, there shall be no limit on the number of witnesses whose deposition may be taken by a party, except by order of the court for good cause shown. Currently, Rule 4:6A of the Rules of the Virginia Supreme Court limits the number of witnesses who may be deposed to five, without leave of court for good cause shown

HB2533 Social services; adult protective services

An Act to amend and reenact § 63.1-55.4 of the Code of Virginia, relating to adult protective services.

[Patron - Phillips, Clarence E. \(Bud\)](#)

Summary:

Requires directors of local departments of social services to refer cases of alleged adult abuse, neglect and exploitation to the appropriate regulatory authority or agency for administrative or criminal investigation if the case involves a regulated facility and the person alleged to be in need of services leaves the facility or his safety is otherwise assured. The director, not later than 45 days after referral, shall follow-up with the investigating agency.

HB2578 When interest to be paid on award of restitution

An Act to amend and reenact § 19.2-305.4 of the Code of Virginia, relating to when interest paid on an award of restitution.

[Patron - McDonnell, Robert F.](#)

Summary:

Clarifies that if a court order for restitution requires interest but does not specify that the interest shall accrue from the date of the loss or damage, the interest shall automatically accrue from the date of the sentencing order.

HB2593 Use of a person's identity with the intent to coerce, intimidate, or harass; penalty

An Act to amend the Code of Virginia by adding a section numbered 18.2-186.4, relating to use of a person's identity with the intent to coerce, intimidate, or harass; penalty.

[Patron - Albo, David B.](#)

Summary:

Provides that publishing a person's name or picture along with certain identifying information, with intent to coerce, intimidate, or harass, is a Class 1 misdemeanor. This bill is identical to SB 1246.

HB2824 Identity fraud; assistance of the Attorney General

An Act to amend and reenact § 18.2-186.3 of the Code of Virginia, relating to identity fraud; assistance of the Attorney General.

[Patron - Byron, Kathy J.](#)

Summary:

Provides that the Attorney General may provide assistance, not to include legal representation, to a victim of identity fraud in obtaining information necessary to correct inaccuracies or errors in his identifying information. The bill clarifies that the restitution allowed under the current law may include the person's actual expenses associated with correcting errors in the victim's credit report or other identifying information.

HB2841 Disclosure that a juvenile is a suspect in or has been arrested for certain crimes

An Act to amend and reenact § 16.1-301 of the Code of Virginia, relating to disclosure that a juvenile is a suspect in or has been arrested for certain crimes.

[Patron - Cox, M. Kirkland](#)

Summary:

Specifies that the chief of police or sheriff of a jurisdiction or his designee may disclose, for the protection of the juvenile, students, and school personnel, to the school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony; (ii) a crime involving arson or bombs; or (iii) a crime involving weapons. Under current law, the arrest information of a juvenile, 14 years of age or older, may be released only when the juvenile has been arrested for violent juvenile felonies.

HJ687 Title 18

[Patron - McDonnell, Robert F.](#)

Summary:

Title 18.2 reorganization. Directs the Virginia State Crime Commission to study the organization of and inconsistencies in Title 18.2 of the Code of Virginia, including the level and extent of and the rationale for the penalties set forth therein. In conducting the study, the Commission shall (i) review the proportionality of the criminal penalties throughout the Code of Virginia; (ii) make recommendations for necessary amendments; and (iii) recommend whether or not Title 18.2 should also be revised at this time.

HJ789 Remote electronic access to court cases

[Patron - Rust, John H. Jr.](#)

Summary:

Establishes a joint subcommittee to study the protection of information contained in the records, documents and cases filed in the courts of the Commonwealth.

SB252 Sentencing for Class 1 misdemeanors

An Act to amend and reenact § 19.2-295.1 of the Code of Virginia, relating to sentencing by jury after conviction.

[Patron - Reynolds, W. Roscoe](#)

Summary:

Requires a bifurcated proceeding and jury sentencing in a jury trial in the circuit court when the defendant is found guilty of a Class 1 misdemeanor.

SB801 Adult abuse and neglect

An Act to amend and reenact § 18.2-369 of the Code of Virginia, relating to abuse and neglect of incapacitated adults; penalty.

[Patron - Reynolds, W. Roscoe](#)

Summary:

Rewrites the criminal statute to clarify that abuse or neglect which does not result in serious bodily injury or disease is a Class 1 misdemeanor (for first offense) and that abuse or neglect which results in serious bodily injury or disease is a Class 6 felony. Serious bodily injury or disease is defined.

SB824 HIV testing of criminal defendants

An Act to amend and reenact § 18.2-62 of the Code of Virginia, relating to testing defendants for HIV.

[Patron - Marsh, Henry L. III](#)

Summary:

Amends the existing provision that allows the court to order HIV testing of persons charged with certain crimes by requiring a probable cause hearing, if the competency of the person to consent to the test is at issue. Currently, a probable cause “finding” is required but a “hearing” is not explicitly required. Additionally, the existing statute does not explicitly address the effect that the defendant’s competency may have on the ordering of HIV testing. The bill also gives the court discretion to enter an order in the absence of the defendant when the defendant is represented by counsel or a guardian ad litem and only counsel or the guardian ad litem is present at the hearing. The court's findings cannot be used as evidence in any proceeding, civil or criminal. The Committee on District Courts recommends this bill.

SB827 Adult protective services; training

An Act to amend and reenact § 63.1-55.02 of the Code of Virginia, relating to adult protective services.

[Patron - Houck, R. Edward](#)

Summary:

Requires the Department of Social Services to establish, and the State Board to approve by September 15, 2001, minimum standards for training for all adult protective services workers. The uniform training programs shall require all adult protective services workers to complete such training within one year from the date of implementation of the training program or within the first year of their employment. This bill is identical to HB 1717 and SB 1199.

SB847 Threats; penalty

An Act to amend and reenact § 18.2-60 of the Code of Virginia, relating to oral or written threats to commit acts of violence on school property; penalty.

[Patron - Couric, Emily](#)

Summary:

Rewrites threats statute to provide that it is a Class 6 felony to knowingly communicate in writing a threat to kill or do bodily injury which creates a reasonable apprehension of death or bodily injury. The bill also provides that any person who communicates a threat, in a writing, including an electronically transmitted communication producing a visual or electronic message, to kill or do bodily harm, (i) on the grounds or premises of any elementary, middle or secondary school property, (ii) at a school-sponsored event or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm, is guilty of a Class 6 felony. This bill is identical to HB 197 (Sherwood).

SB1039 Presentence reports in sex offense cases

An Act to amend and reenact § 19.2-299 of the Code of Virginia, relating to required presentence reports in sexual offense cases.

[Patron - Stolle, Kenneth W.](#)

Summary:

Requires the preparation of presentence reports in the following cases: the person is charged and adjudged guilty of a felony violation of rape (§ 18.2-61), carnal knowledge (§§ 18.2-63, 18.2-64.1 and 18.2-64.2), forcible sodomy (§ 18.2-67.1), marital sexual assault (§ 18.2-67.2:1), object sexual penetration (§18.2-67.2), aggravated sexual battery (§ 18.2-67.3), infected sexual battery (§ 18.2-67.4:1), third misdemeanor sex offense (§ 18.2-67.5:1), crimes against nature (§ 18.2-361), bigamy (§ 18.2-362), adultery and fornication (§ 18.2-366), conspiracy to cause spouse to commit adultery (§ 18.2-367), prostitution offenses (§§ 18.2-355, 18.2-356, 18.2-357, 18.2-358, and 18.2-368), indecent liberties (§§ 18.2-370 and 18.2-370.1), or § 18.2-370.2, or any attempt to commit or conspiracy under general conspiracy (§§ 18.2-22 and 18.2-26), sexual offenses attempts (§ 18.2-67.5), subsequent felony sexual assault (§ 18.2-67.5:2) or subsequent violent felony sexual assault (§ 18.2-67.5:3). The bill also makes two technical amendments to remove § 18.2-57.1 (repealed), and to remove maiming (§ 18.2-51.4) which is covered under the general felony category for presentence reports.

SB1096 Confidentiality of public assistance and social services records and information

An Act to amend and reenact §§ 2.1-342.01, 63.1-53, and 63.1-209 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.1-209.1, relating to confidentiality of public assistance and social services records and information; penalty.

[Patron - Mims, William C.](#)

Summary:

Clarifies the confidentiality provisions for records and information concerning public assistance and social services to and on behalf of individuals. The bill creates separate sections for the confidentiality of public assistance and social services programs administered by the Department of Social Services and local departments of social services. Except as provided by state and federal law and regulation, no records, information or statistical registries concerning applicants for and recipients of public assistance shall be made available except for purposes directly connected with the administration of the public assistance program. Such purposes include establishing eligibility, determining the amount of assistance, and providing social services for applicants and recipients. Social services records, information and statistical registries shall be confidential provided that they are accessible to persons having a legitimate interest in accordance with state and federal law and regulation. The bill requires the State Board of Social Services to adopt emergency regulations to implement these provisions. This bill is a recommendation of the Code Commission.

SB1199 Adult protective services; training

An Act to amend and reenact § 63.1-55.02 of the Code of Virginia, relating to adult protective services.

[Patron - Forbes, J. Randy](#)

Summary:

Requires the Department of Social Services to establish, and the State Board to approve by September 15, 2001, minimum standards for training for all adult protective services workers. The uniform training programs shall require all adult protective services workers to complete such training within

one year from the date of implementation of the training program or within the first year of their employment. This bill is identical to HB 1717 and SB 827.

SB1246 Use of a person's identity with the intent to coerce, intimidate, or harass; penalty

An Act to amend the Code of Virginia by adding a section numbered 18.2-186.4, relating to use of a person's identity with the intent to coerce, intimidate, or harass; penalty.

[Patron - Watkins, John C.](#)

Summary:

Provides that publishing a person's name or picture along with certain identifying information, with intent to coerce, intimidate, or harass, is a Class 1 misdemeanor. This bill is identical to House Bill 2593.

SB1259 Sex crimes

An Act to amend and reenact § 18.2-370 of the Code of Virginia and the third enactments of Chapter 946 and Chapter 985, as amended, of the Acts of Assembly of 1999, relating to taking indecent liberties with children; increased penalty.

[Patron - Norment, Thomas K. Jr.](#)

Summary:

Increases penalties for certain sex crimes. The bill also delays the effective date of the provisions regarding civil commitment of sexually violent predators from July 1, 2001 to January 1, 2004.

SB1296 Duties of court services units and local departments of social services; parole supervision of juveniles; secure residential facilities; authority of the juvenile court over adults

An Act to amend and reenact §§ 16.1-233 through 16.1-237, 16.1-285, 16.1-291, 16.1-293, and 63.1-248.3 of the Code of Virginia, relating to duties of court services units and local departments of social services; parole supervision of juveniles; secure residential facilities; authority of the juvenile court over adults; penalty.

[Patron - Mims, William C.](#)

Summary:

Separates the responsibilities of the Department of Juvenile Justice (DJJ) and the Department of Social Services over parole (post-release) supervision of juveniles. The Department of Juvenile Justice, through court services units, will be responsible for juveniles committed to it. The bill also gives the court the authority to place a child, fourteen or older, into a secure residential facility (detention) for up to 10 days for violation of probation. The bill clarifies that the juvenile court retains authority over an adult on probation or parole for violations committed as a juvenile.

SB1308 Criminal Injuries Compensation Fund – Sexual Abuse Claims

An Act to amend and reenact §§ 19.2-368.2, 19.2-368.5, 19.2-368.8 and 19.2-368.10 of the Code of Virginia, relating to the Criminal Injuries Compensation Fund.

[Patron - Newman, Stephen D.](#)

Summary:

Provides that a person who suffered sexual abuse as a minor has until 10 years after his 18th birthday to file a claim. The bill also provides that any claim involving the sexual abuse of a minor that has been denied before July 1, 2001, because it was not timely filed may, upon application filed with the Compensation Fund, be reconsidered provided the application for reconsideration is filed within ten years after the minor's eighteenth birthday.

SB1353 Protective orders; firearms

An Act to amend and reenact § 18.2-308.1:4 of the Code of Virginia, relating to purchase or transport of firearm by persons subject to protective orders; penalty.

[Patron - Howell, Janet D.](#)

Summary:

Amends statute that disallows a person from purchasing or transporting a firearm if the person is subject to a protective order; to provide that protective orders issued by another state or by the United States are covered by the prohibition.

SB1356 Victim participation in plea agreements

An Act to amend and reenact § 19.2-11.01 of the Code of Virginia, relating to crime victim and witness rights.

[Patron - Mims, William C.](#)

Summary:

Provides that upon written request of the victim in a felony case, the attorney for the Commonwealth must inform the victim of the contents of a proposed plea agreement and obtain the victim's views concerning plea negotiations. The court is not allowed to accept a plea agreement unless it finds that the Commonwealth has, except for good cause shown, complied with the bill's provisions. The bill also provides that the victim may request to be notified of any proceeding in which the plea agreement will be tendered to the court. There is a provision stating that the duty to consult the victim does not limit the ability of the attorney for the Commonwealth to exercise his discretion concerning the handling of any criminal charge. This bill is identical to HB 2352 (McEachin).

SB1394 Computer invasion of privacy

An Act to amend and reenact § 18.2-152.5 of the Code of Virginia, relating to computer invasion of privacy; penalty

[Patron - Hanger, Emmett W. Jr.](#)

Summary:

Raises the penalty for committing the crime of computer invasion of privacy from a Class 3 misdemeanor to a Class 1 misdemeanor. Computer invasion of privacy is using a computer to

intentionally examine without authority any employment, salary, credit or other financial or personal information relating to another person when the offender knows or should know that he is without authority to view the information displayed.

Summary of Selected Victim Related Legislation Which Did Not Pass in 2001

HB1606 Violation of provisions of protective orders; penalty

A BILL to amend and reenact § 16.1-253.2 of the Code of Virginia, relating to violation of protective orders; penalty

[Patron - Weatherholtz, Glenn M.](#)

Summary:

Raises the penalty for violation of the provisions of a protective order from a Class 1 misdemeanor to a Class 6 felony and imposes a mandatory, minimum term of confinement of at least one year.

Status Change Dates:

[01/18/01 House: Stricken at request of Patron in C. J. \(23-Y 0-N\)](#)

HB1970 Victim notification of sex offender registration

A BILL to amend and reenact §§ 19.2-11.01 and 19.2-298.1 of the Code of Virginia, relating to victim notification of sex offender registration.

[Patron - McClure, Roger J.](#)

Summary:

Requires the Department of State Police to notify the victims of an offender's address when the offender has registered or reregistered as a sexually violent predator if the victims have provided their names, current addresses and telephone numbers in writing.

Status Change Dates:

[02/21/01 Senate: Left in Finance](#)

HB2261 Victims and witnesses of crime – Victims' Rights Compliance

A BILL to amend and reenact §§ 19.2-11.01, 53.1-183 and 53.1-185 of the Code of Virginia, relating to crime victim and witness rights.

[Patron - Watts, Vivian E.](#)

Summary:

Provides victims and witnesses of crime the right to report to and request review by the Department of Criminal Justice Services alleged violations of their rights and concerns regarding their treatment under the Crime Victim and Witness Rights Act and other applicable laws and authorizes DCJS to receive such reports.

Requires DCJS to maintain toll-free telephone access to provide crime victims and witnesses with services, referrals, and assistance in protecting rights and making reports regarding violations of rights etc.

Required DCJS to provide an informational program to inform crime victims and witnesses, the general public, criminal justice officials, and related professionals about crime victim and witness rights and services.

Requires DCJS to maintain data on calls received and reports received alleging violation of rights etc.,

Requires DCJS to issue an annual report and recommendations based on a summary of reports received and data maintained.

Authorizes DCJS to investigate and seek to resolve victim and witness reports alleging violations of their rights and concerns regarding their treatment under the Crime Victim and Witness Rights Act and other applicable laws.

Requires DCJS to inform any agency, officer or employee of alleged violations and authorizes DCJS to act as a liaison between crime victims or witnesses and others when seeking to resolve reports.

Provides DCJS with access to documents, records, and information and assistance necessary for the discharge of its responsibilities while protecting the confidentiality of such materials and the names of victims and witnesses who request anonymity.

Authorizes DCJS to report the results of investigations to responsible disciplinary, investigative, or enforcement agencies, if appropriate.

Adds to local Community Criminal Justice Boards a victim/witness director of victim advocate and adds a Board responsibility to facilitate local involvement and flexibility in responding to ensuring the rights of crime victims and witnesses under 19.2-11.01 (Crime Victim and Witness Rights Act).

Status Change Dates:

[02/03/01 House: Stricken at request of Patron in C. J. \(22-Y 0-N\)](#)

HB2328 Assault and battery against a family or household member; penalty

A BILL to amend and reenact §§ 16.1-253.2, 18.2-57.2, and 18.2-60.4 of the Code of Virginia, relating to violations of protective orders, assault and battery of a family or household member; penalty.

[Patron - Baskerville, Viola O.](#)

Summary:

Provides that upon conviction for an assault and battery against a family or household member, where it is alleged that (i) such person has been previously convicted of assault and battery against a family member and (ii) within 72 hours of that person's release from incarceration serving a sentence for such conviction, commits another such violation, such person shall be guilty of a Class 6 felony. The bill also requires trial for violation of a family protective order or family assault and battery within 45 days where practical.

Status Change Dates:

02/15/01 House: Fiscal impact statement from DPB (HB2328H1)

SB868 Family assault

A BILL to amend and reenact § 19.2-120 of the Code of Virginia, relating to admission to bail.

[Patron - Reynolds, W. Roscoe](#)

Summary:

Establishes a rebuttable presumption that persons charged with family assault using a firearm should not be admitted to bail.

Status Change Dates:

[01/31/01 Senate: Passed by indefinitely in C. J. \(14-Y 1-N\)](#)

SB897 Companion animals

A BILL to amend the Code of Virginia by adding a section numbered 18.2-144.01, relating to killing a domesticated dog; penalty.

[Patron - Reynolds, W. Roscoe](#)

Summary:

Provides that it is a Class 6 felony to kill a companion animal.

Status Change Dates:

02/06/01 Senate: Fiscal impact statement from VCSC (SB897S1)

SB1281 Victim notification of sex offender registration

A BILL to amend and reenact §§ 19.2-11.01 and 19.2-298.1 of the Code of Virginia, relating to victim notification of sex offender registration.

[Patron - Wagner, Frank W.](#)

Summary:

Requires the Department of State Police to notify the victims of an offender's address when the offender has registered or reregistered as a sexually violent predator if the victims have provided their names, current addresses and telephone numbers in writing.

Status Change Dates:

02/07/01 Senate: Fiscal impact statement from DPB (SB1281S1)

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